$^{\tiny 107\text{TH CONGRESS}}_{\tiny 2D \text{ Session}} \; \textbf{S. 2690}$

AMENDMENT

In the House of Representatives, U. S.,

October 8, 2002.

Resolved, That the bill from the Senate (S. 2690) entitled "An Act to reaffirm the reference to one Nation under God in the Pledge of Allegiance", do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

SECTION 1. FINDINGS.

2 Congress finds the foll	owing:
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- 3 (1) On November 11, 1620, prior to embarking 4 for the shores of America, the Pilgrims signed the 5 Mayflower Compact that declared: "Having under-6 taken, for the Glory of God and the advancement of 7 the Christian Faith and honor of our King and coun-8 try, a voyage to plant the first colony in the northern 9 parts of Virginia,".
- 10 (2) On July 4, 1776, America's Founding Fa11 thers, after appealing to the "Laws of Nature, and of
 12 Nature's God" to justify their separation from Great
 13 Britain, then declared: "We hold these Truths to be
 14 self-evident, that all Men are created equal, that they
 15 are endowed by their Creator with certain

- unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness".
 - (3) In 1781, Thomas Jefferson, the author of the Declaration of Independence and later the Nation's third President, in his work titled "Notes on the State of Virginia" wrote: "God who gave us life gave us liberty. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the Gift of God. That they are not to be violated but with His wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever.".
 - (4) On May 14, 1787, George Washington, as President of the Constitutional Convention, rose to admonish and exhort the delegates and declared: "If to please the people we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God!".
 - (5) On July 21, 1789, on the same day that it approved the Establishment Clause concerning religion, the First Congress of the United States also passed the Northwest Ordinance, providing for a territorial government for lands northwest of the Ohio

- River, which declared: "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.".
 - (6) On September 25, 1789, the First Congress unanimously approved a resolution calling on President George Washington to proclaim a National Day of Thanksgiving for the people of the United States by declaring, "a day of public thanksgiving and prayer, to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a constitution of government for their safety and happiness.".
 - (7) On November 19, 1863, President Abraham Lincoln delivered his Gettysburg Address on the site of the battle and declared: "It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this Nation, under God, shall have a new birth of freedom—and that Government of the people, by the people, for the people, shall not perish from the earth.".

1 (8) On April 28, 1952, in the decision of the Su-2 preme Court of the United States in Zorach v. 3 Clauson, 343 U.S. 306 (1952), in which school chil-4 dren were allowed to be excused from public schools 5 for religious observances and education, Justice Wil-6 liam O. Douglas, in writing for the Court stated: 7 "The First Amendment, however, does not say that in every and all respects there shall be a separation of 8 9 Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no 10 11 concern or union or dependency one on the other. 12 That is the common sense of the matter. Otherwise the 13 State and religion would be aliens to each other—hos-14 tile, suspicious, and even unfriendly. Churches could 15 not be required to pay even property taxes. Munici-16 palities would not be permitted to render police or 17 fire protection to religious groups. Policemen who 18 helped parishioners into their places of worship would 19 violate the Constitution. Prayers in our legislative 20 halls; the appeals to the Almighty in the messages of 21 Chief Executive; the proclamations making 22 Thanksgiving Day a holiday; 'so help me God' in our 23 courtroom oaths—these and all other references to the 24 Almighty that run through our laws, our public rit-25 uals, our ceremonies would be flouting the First

- Amendment. A fastidious atheist or agnostic could even object to the supplication with which the Court opens each session: 'God save the United States and this Honorable Court.'".
 - (9) On June 15, 1954, Congress passed and President Eisenhower signed into law a statute that was clearly consistent with the text and intent of the Constitution of the United States, that amended the Pledge of Allegiance to read: "I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.";
 - (10) On July 20, 1956, Congress proclaimed that the national motto of the United States is "In God We Trust", and that motto is inscribed above the main door of the Senate, behind the Chair of the Speaker of the House of Representatives, and on the currency of the United States.
 - (11) On June 17, 1963, in the decision of the Supreme Court of the United States in Abington School District v. Schempp, 374 U.S. 203 (1963), in which compulsory school prayer was held unconstitutional, Justices Goldberg and Harlan, concurring in the decision, stated: "But untutored devotion to the concept of neutrality can lead to invocation or ap-

proval of results which partake not simply of that noninterference and noninvolvement with the religious which the Constitution commands, but of a brooding and pervasive devotion to the secular and a passive, or even active, hostility to the religious. Such results are not only not compelled by the Constitution, but, it seems to me, are prohibited by it. Neither government nor this Court can or should ignore the significance of the fact that a vast portion of our people believe in and worship God and that many of our legal, political, and personal values derive historically from religious teachings. Government must inevitably take cognizance of the existence of religion and, indeed, under certain circumstances the First Amendment may require that it do so.".

(12) On March 5, 1984, in the decision of the Supreme Court of the United States in Lynch v. Donelly, 465 U.S. 668 (1984), in which a city government's display of a nativity scene was held to be constitutional, Chief Justice Burger, writing for the Court, stated: "There is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789 . . . [E]xamples of reference to our religious heritage are found in the statutorily prescribed

national motto 'In God We Trust' (36 U.S.C. 186), 1 2 which Congress and the President mandated for our currency, see (31 U.S.C. 5112(d)(1) (1982 ed.)), and 3 4 in the language 'One Nation under God', as part of 5 the Pledge of Allegiance to the American flag. That 6 pledge is recited by many thousands of public school 7 children—and adults—every year . . . Art galleries 8 supported by public revenues display religious paint-9 ings of the 15th and 16th centuries, predominantly 10 inspired by one religious faith. The National Gallery 11 in Washington, maintained with Government sup-12 port, for example, has long exhibited masterpieces 13 with religious messages, notably the Last Supper, and 14 paintings depicting the Birth of Christ, the Cru-15 cifixion, and the Resurrection, among many others 16 with explicit Christian themes and messages. The very 17 chamber in which oral arguments on this case were 18 heard is decorated with a notable and permanent— 19 not seasonal—symbol of religion: Moses with the Ten 20 Commandments. Congress has long provided chapels 21 in the Capitol for religious worship and meditation.". 22 (13) On June 4, 1985, in the decision of the Su-23 preme Court of the United States in Wallace v. 24 Jaffree, 472 U.S. 38 (1985), in which a mandatory 25 moment of silence to be used for meditation or vol-

- untary prayer was held unconstitutional, Justice O'Connor, concurring in the judgment and addressing the contention that the Court's holding would render the Pledge of Allegiance unconstitutional because Con-gress amended it in 1954 to add the words "under God," stated "In my view, the words 'under God' in the Pledge, as codified at (36 U.S.C. 172), serve as an acknowledgment of religion with 'the legitimate sec-ular purposes of solemnizing public occasions, [and] expressing confidence in the future.".
 - (14) On November 20, 1992, the United States Court of Appeals for the 7th Circuit, in Sherman v. Community Consolidated School District 21, 980 F.2d 437 (7th Cir. 1992), held that a school district's policy for voluntary recitation of the Pledge of Allegiance including the words "under God" was constitutional.
 - (15) The 9th Circuit Court of Appeals erroneously held, in Newdow v. U.S. Congress, (9th Cir. June 26, 2002) that the Pledge of Allegiance's use of the express religious reference "under God" violates the First Amendment to the Constitution, and that, therefore, a school district's policy and practice of teacher-led voluntary recitations of the Pledge of Allegiance is unconstitutional.

- 1 (16) The erroneous rationale of the 9th Circuit
 2 Court of Appeals in Newdow would lead to the absurd
 3 result that the Constitution's use of the express reli4 gious reference "Year of our Lord" in Article VII vio5 lates the First Amendment to the Constitution, and
 6 that, therefore, a school district's policy and practice
 7 of teacher-led voluntary recitations of the Constitution
 8 itself would be unconstitutional.
- 9 SEC. 2. ONE NATION UNDER GOD.
- 10 (a) Reaffirmation.—Section 4 of title 4, United
- 11 States Code, is amended to read as follows:
- 12 "§4. Pledge of allegiance to the flag; manner of deliv-
- 13 *ery*
- 14 "The Pledge of Allegiance to the Flag: 'I pledge alle-
- 15 giance to the Flag of the United States of America, and
- 16 to the Republic for which it stands, one Nation under God,
- 17 indivisible, with liberty and justice for all.', should be ren-
- 18 dered by standing at attention facing the flag with the right
- 19 hand over the heart. When not in uniform men should re-
- 20 move any non-religious headdress with their right hand and
- 21 hold it at the left shoulder, the hand being over the heart.
- 22 Persons in uniform should remain silent, face the flag, and
- 23 render the military salute.".
- 24 (b) Codification.—In codifying this subsection, the
- 25 Office of the Law Revision Counsel shall show in the histor-

- 1 ical and statutory notes that the 107th Congress reaffirmed
- 2 the exact language that has appeared in the Pledge for dec-
- 3 ades.
- 4 SEC. 3. REAFFIRMING THAT GOD REMAINS IN OUR MOTTO.
- 5 (a) Reaffirmation.—Section 302 of title 36, United
- 6 States Code, is amended to read as follows:
- 7 "§ 302. National motto
- 8 "'In God we trust' is the national motto.".
- 9 (b) Codification.—In codifying this subsection, the
- 10 Office of the Law Revision Counsel shall make no change
- 11 in section 302, title 36, United States Code, but shall show
- 12 in the historical and statutory notes that the 107th Congress
- 13 reaffirmed the exact language that has appeared in the
- 14 Motto for decades.

Attest:

Clerk.